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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P. (C) 15/2014, CM APPL.31/2014

SARVJIT SINGH

..... Petitioner

Through: Mr. H.S. Dhillon, Advocate.

versus

DELHI STATE TAXI OPERATORS CO-OPERATIVE

THRIFT CREDIT & SERVICE SOCIETY LTD.

..... Respondent

Through: Mr. Vishwendra Verma, Advocate.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

28.01.2016

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The petitioner is aggrieved by an order of the Delhi Cooperative Tribunal whereby his appeal was rejected. His grievance is that an *ex parte* Award was made against him whereby the Society's claim for repayment was upheld. It was contended in the appeal that the proceedings before the Arbitrator were completed without his knowledge and notice to him. It is contended in the course of the present proceedings that the appellant has certified copies of the receipts which could not be produced before the Arbitrator since he was unaware of those proceedings or in the appeal.

This Court notices at the outset that what are urged are essentially questions of fact. Ordinarily, the Court would not entertain them. Fortunately, for the petitioner, the remedy of review is

available. The difficulty would be that the petitioner's review proceedings would be time barred. In the circumstances, we are of the opinion that if the petitioner approaches the Delhi Cooperative Tribunal under Section 115 within a month from today with a review application, the same would be entertained overlooking the question of delay and decided on merits. Counsel for the respondents does not oppose this recourse to such review proceedings; in any event it is open to the respondents to urge whatever contentions they have on the merits but not on the issue of delay.

The writ petition is disposed off in the above terms, reserving the liberty to the petitioner to urge all necessary contentions.

Order *dasti*.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

JANUARY 28, 2016
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